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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,449	06/26/2001	Jerome Mlynarczyk	Q64931	9665
23373	7590	11/16/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			RAMPURIA, SATISH	
			ART UNIT	PAPER NUMBER
			2191	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,449

Applicant(s)

MLYNARCZYK ET AL.

Examiner

Satish S. Rampuria

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005 [appeal brief].
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. This action is in response to the Appeal Brief received on 8/31/2005.
2. Claims pending in the application: 1-3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application No. GB 2326255A to Kaminsky (hereinafter, Kaminsky) in view of US Patent No. 6,542,964 to Scharber (hereinafter, Scharber).

Per claim 1:

Kaminsky discloses:

- ***A method of managing information in a distributed system including at least one local system*** (page 1, lines 5-8 “computer programming methods and systems... particular, to object oriented programming and methods and systems of running object oriented program on multiple computers connected by a network”) ***at least and one remote system and using a remote invocation method of the JAVA language*** (page 8, line 29 “makes remote calls (using RMI)” and page 8, line 31 “calls are generated as Java RMI source”), ***said language including instructions and enabling creation of objects from classes of belonging having hierarchical relations between them*** (page 4, lines 26-29)

“programmer writes programs... object oriented language... Java... and compile the code in unlinked executable code”), *which method includes defining in the local system classes* (page 4 and 5, lines 41 and 1 “some classes Y to be executed locally”) *replicating the hierarchy of classes in the remote system and including means of access to said classes in the remote system in order to enable use in the local system of instructions specific to classes defined in the remote system* (page 4, lines 15-18 “objects are located... on the network... access those remote objects”)

Kamisky does not explicitly disclose replicating a hierarchy of classes.

However, Scharber discloses in an analogous computer system replicating a hierarchy of classes (col. 5, lines 55-58 “a cache protocol selected... the type of the content... class of service requirements” and col. 9, lines 3-9 “the content associated with that request should be replicated... to speed user response time... ICDS 50 may direct that the content be cached under HTCP or even ICP, so as to allow multiple cache servers in the hierarchy 52 to store a copy of the content. The exact protocol to use may vary with time, according to traffic conditions or other factors” also FIG. 2 and related discussion).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of replicating a hierarchy of classes as taught by Scharber into the method of automatic object distribution as taught by Kaminsky. The modification would be obvious because of one of ordinary skill in the art would be motivated to replicate the hierarchy of classes to reduce the bandwidth requirement and speeds up the response time in the network environment as suggested by Scharber (col. 5, lines 4-50).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminsky, in view of Scharber and further in view of US Patent No. 6,678,715 to Ando (hereinafter, Ando).

Per claim 2:

The rejection of claim 1 is incorporated, and further, neither Kaminsky nor Scharber explicitly disclose horizontal casting instruction.

However, Ando discloses in an analogous computer system having acquisition of server object making casting of an interface (col. 24, lines 62-63 “acquisition of server object (casting of interface type)”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of casting an interface as taught by Ando into the method automatic object distribution of combination system as taught by Kaminsky and Scharber. The modification would be obvious because of one of ordinary skill in the art would be motivated to do casting of an instruction to have dynamically switching the execution position of a process requested by client host and the server host as suggested by Ando (col. 3, lines 56-61).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by UK Patent Application No. GB 2326255A to Kaminsky (hereinafter, Kaminsky).

Per claim 3:

Kaminsky discloses:

- *A distributed information management system including at least one local system and at least one remote system* (page 4, lines 20-21 “The Automatic Object Distribution (AOD)... objects will be distributed over a network”) *including a plurality of interfaces* (page 8, line 39 “to generate the interface X” Interface”, see fig. 1) *and using a remote method invocation mechanism of the JAVA language* (page 8, line 29 “makes remote calls (using RMI)” and page 8, line 31 “calls are generated as Java RMI source”), *said language including instructions and enabling creation of objects from classes of belonging* (page 4, lines 26-29 “programmer writes programs... object oriented language... Java... and compile the code in unlinked executable code”), *wherein the local system includes a "proxy" for each interface* (page 8, line 34 “the proxy X”, an interface X” Interface”) *and said proxy is defined to enable use in the local system of instructions specific to the interfaces defined in the remote system* (page 3, lines 32-37 “first proxy containing network linkage and indication to access said programmed methods on said second computer... second proxy containing network linkage and indication to access said programmed methods on said first computer... accessing said remote programmed methods through said proxies”)

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but they are not persuasive.

In section VII. ARGUMENT (pages 8-10), Appellants' argued that:

(A) For Claim 1, Kaminsky, however, does not specifically teach or suggest the limitation of, "defining in the local system classes replicating the hierarchy of classes in the remote system and including means of access to said classes in the remote system in order to enable use in the local system," as recited in claim 1. Therefore, Appellants assert that Kaminsky fails to disclose or suggest the unique combination of features recited in claim 1 (including the above-quoted limitation) and, thus, fails to anticipate claim 1.

(B) For Claim 3, Appellants' contend that Kaminsky fails to disclose or suggest a local system that includes a "proxy" each interface of a remote system and statement to the contrary, Kaminsky describes an interface X" interface of proxy X", which is a proxy for an object X... which does not correspond a local proxy fro a remote interface (page 10, lines 1-3).

Examiner's response:

(A) Appellants' arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Further, in response to Appellants' argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., search through a directory of classes (page 9, 3rd paragraph) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(B) In response to Appellants' argument, regarding the limitation a local system that includes a "proxy" for each interface of a remote system, In the Automatic Object Distribution (AOD) process Kaminsky does provide generating two proxies which allows method calls written for local invocation to be invoked over a network. These proxies intercepts the calls from Y, pass them to X, and return the result to Y (page 4-5, lines 39-41 and 1-5 "AOD performs the distribution by generating two proxies... proxies allow method calls... local invocation... invoked over a network... class Y... executed locally...class X... executed remotely..." also FIG. 4A and 4B). As it is clear now that Kaminsky shows proxies that are resides locally and remotely, therefore, the rejection is proper and maintained herein.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner/Software Engineer
Art Unit 2191
11/14/2005



WEI Y. ZHEN
PRIMARY EXAMINER